

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

Billy Joe McPherson

Debtor.

CASE NO: 1:16-bk-06848

CHAPTER 13

JUDGE MARIAN F. HARRISON

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 4/18/2019
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: 4/26/2019, AT 9:00 A.M.
IN FEDERAL BUILDING AND COURTHOUSE, 815 SOUTH GARDEN STREET, COLUMBIA,
TN 38401.**

**NOTICE OF MOTION TO MODIFY PLAN
TO TEMPORARILY SUSPEND CHAPTER 13 PLAN PAYMENTS**

Debtor has asked the court for the following relief: to temporarily suspend chapter 13 plan payments for three (3) months.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 a.m. - 4:00 p.m.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Dated: March 28, 2019

/s/Alise Housden
Alise Housden TN Bar# 034282
Attorney for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

Billy Joe McPherson
Debtor.

CASE NO: 1:16-bk-06848
CHAPTER 13
JUDGE MARIAN F. HARRISON

**MOTION TO MODIFY PLAN
TO TEMPORARILY SUSPEND CHAPTER 13 PLAN PAYMENTS**

Comes now the Debtor, Billy Joe McPherson, by and through counsel, and hereby moves this court for an order temporarily suspending chapter 13 plan payments for a period of three (3) months. In support of this motion, Debtor would show the following:

1. Debtor lost his job on March 25, 2019.
2. Debtor is currently looking for employment and believes he will get a job within three (3) months.
3. Debtor attended the Trustee's Financial Management class on September 17, 2018.
4. Despite Debtor's best efforts, funding of the plan will leave the Debtor without sufficient income to meet necessary living expenses. *See attached Amended Family Budget.*
5. Debtor proposes:
 - a. During the period of suspension, the Trustee refund to the Debtor any funds received.
 - b. After the period of suspension, plan payments increase to \$291.50 weekly.
 - c. The guaranteed minimum dividend to allowed unsecured claim remain at 0%.
 - d. After the period of suspension, the Debtor make all future payments in accordance with the confirmed Chapter 13 plan and that should the Debtor fail to make any payment as required, without further approval of the court, the case will be dismissed upon filing of notice by the Trustee, without further hearing.

e. That the Debtor will continue to forward all tax refunds received during the remainder of the case and subsequent to this order to the trustee for application to the plan.

6. There shall be no changes to the treatment of the secured creditors. No other terms of the confirmation order shall be affected by the plan payment suspension.

WHEREFORE, PREMISES CONSIDERED, Billy Joe McPherson prays for an order temporarily suspending chapter 13 plan payments for a period of three (3) months.

Dated on March 28, 2019.

Respectfully submitted,

/s/Alise Housden

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Attorney for Debtor

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IN RE:

Billy Joe McPherson

CASE NO. 16-06848

DEBTOR

CHAPTER 13

AMENDED MONTHLY FAMILY BUDGET

	<u>Prior Budget</u>		<u>Current Budget</u>
Dates of Budgets:	<u>7/20/2018</u>		<u>3/25/2019</u>
<u>EXPENSES</u>			
Rent/Mortgage Payment:			<u>\$150.00</u>
Utilities:	Prior	Current	
Electric, heat, natural gas	<u>\$50.00</u>	<u>\$50.00</u>	
Water, sewer	<u>\$0.00</u>	<u>\$0.00</u>	
Telephone/Cell Phone/Inet/Cable	<u>\$50.00</u>	<u>\$100.00</u>	
Home Maintenance	<u>\$0.00</u>	<u>\$0.00</u>	
HOA Dues	<u>\$0.00</u>	<u>\$0.00</u>	
Other	<u>\$0.00</u>	<u>\$0.00</u>	
Other:	<u>\$0.00</u>	<u>\$0.00</u>	
Total Utilities			\$100.00
Food			<u>\$150.00</u>
Child Care, Children Education Costs			<u>\$0.00</u>
Clothing, Laundry, dry cleaning			<u>\$10.00</u>
Personal Care Products			<u>\$20.00</u>
Medical and Dental Expenses			<u>\$15.00</u>
Transportation (not including car pmts)			<u>\$100.00</u>
Insurance (not deducted from wages):			
Auto	<u>\$230.00</u>	<u>\$252.00</u>	
Life	<u>\$0.00</u>	<u>\$0.00</u>	
Home	<u>\$0.00</u>	<u>\$0.00</u>	
Renters	<u>\$0.00</u>	<u>\$0.00</u>	
Other:	<u>\$0.00</u>	<u>\$0.00</u>	
Total Insurance:			\$230.00
Taxes: (not deducted from wages)			<u>\$0.00</u>
Domestic Support (Alimony, Child Support)			<u>\$0.00</u>
Car Payments			<u>\$0.00</u>
Other Monthly Expenses			
Entertainment			<u>\$0.00</u>
Charitable/Religious Donations			<u>\$0.00</u>
Other			<u>\$0.00</u>
Other			<u>\$0.00</u>
Other			<u>\$0.00</u>
Other			<u>\$0.00</u>
TOTAL MONTHLY EXPENSES:			<u>\$775.00</u>
			<u>\$847.00</u>

INCOME

			<u>Prior Budget</u>	<u>Current Budget</u>
Debtor's Gross Income:			<u>\$2,253.33</u>	<u>\$0.00</u>
Spouse's Gross Income:			<u>\$0.00</u>	<u>\$0.00</u>
Payroll Deductions:				
Payroll Taxes	<u>\$389.91</u>	<u>\$0.00</u>		
401(k)	<u>\$0.00</u>	<u>\$0.00</u>		
Insurance	<u>\$0.00</u>	<u>\$0.00</u>		
401(k) Loan	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Total Payroll Deductions:			<u>\$389.91</u>	<u>\$0.00</u>
Other Regular Income:				
Support/Alimony	<u>\$0.00</u>	<u>\$0.00</u>		
Pension/SS/VA	<u>\$0.00</u>	<u>\$0.00</u>		
Family Contributions	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other:	<u>\$0.00</u>	<u>\$0.00</u>		
Total Other Regular Income:			<u>\$0.00</u>	<u>\$0.00</u>
TOTAL MONTHLY INCOME:			<u>\$1,863.42</u>	<u>\$0.00</u>

SUMMARY:

Total Monthly Income	<u>\$1,863.42</u>	<u>\$0.00</u>
Minus Total Monthly Expenses	<u>\$775.00</u>	<u>\$847.00</u>
Equals Monthly Surplus:	<u>\$1,088.42</u>	<u>-\$847.00</u>

Monthly Plan Payment:	<u>\$1,110.42</u>	<u>\$1,263.17</u>
Duration of Plan (months):	<u>37 Months</u>	<u>32 Months Remaining</u>
Dividend to Unsecured Creditors ('	<u>0.00%</u>	<u>0.00%</u>
Secured Creditors Affected:		

*Explain any increase/decrease in income/expenses that exceeds 10%:

Income: Debtor lost job and is currently looking for new employment.

Expenses: Cell phone bill increased from last budget.

Expenses: Auto insurance monthly payment increased from last budget.

/s/ Billy Joe McPherson

Debtor

March 25, 2019

Date

PROPOSED ORDER

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

Billy Joe McPherson

Debtor.

CASE NO: 1:16-bk-06848

CHAPTER 13

JUDGE MARIAN F. HARRISON

ORDER MODIFYING PLAN TO TEMPORARILY SUSPEND DEBTOR'S CHAPTER 13 PLAN PAYMENTS FOR A PERIOD OF 3 MONTHS

Upon consideration of Debtor's Motion to Modify to Temporarily Suspend Chapter 13 Plan Payments, it appears to the Court that notice of said motion pursuant to LBR 9013 has been given. It further appears to the Court no objections, responses or otherwise have been filed within the twenty-one (21) day response period. It is therefore

ORDERED that the Debtor's Chapter 13 plan payments be suspended for a period of three (3) months beginning upon entry of this order. It is further

ORDERED that during the period of suspension, the Trustee refund to the Debtor any funds received. It is further

ORDERED that after the period of suspension, plan payments increase to \$291.50 weekly. It is further

ORDERED that the guaranteed minimum dividend to allowed unsecured claim remain at 0%. It is further

ORDERED that after the period of suspension, the Debtor make all future payments in accordance with the confirmed Chapter 13 plan and that should the Debtor fail to make any payment as required, without

further approval of the court, the case will be dismissed upon filing of notice by the Trustee, without further hearing. It is further

ORDERED that the Debtor will continue to forward all tax refunds received during the remainder of the case and subsequent to this order to the trustee for application to the plan.

IT IS SO ORDERED.

THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED AT THE TOP
OF THE FIRST PAGE

Approved For Entry By:

/s/Alise Housden

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